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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,132	10/06/2003	Seiki Aoyama	01-487	1092

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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

CHANG, JOSEPH

ART UNIT PAPER NUMBER

2817

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/678,132	Applicant(s) AOYAMA ET AL.	
	Examiner Joseph Chang	Art Unit 2817	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 8/30/05
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) 6-15 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 and 16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 1-16 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 October 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/30/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species 1 (Fig.1) in the reply filed on 4/21/05 is acknowledged. Applicant indicated that claims 1-10 read on elected species I. However, upon examination Claims 6-10 do not read on elected species I. Therefore, Claims 6-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 4/21/05.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim US Pub. No. 2002/0000889 A1.

Regarding Claims 1, 2 and 4, Kim discloses an oscillator circuit (200 of 400, see Fig. 3, Para[0036]): a CR circuit (C, 250b,252b,254b,256b) for providing a feedback circuit to an active device (210,220,230), wherein the CR circuit is comprised of a first resistor group (250b,252b,254b,256b, P+diffusion resistors) and a capacitor(C); and a second resistor group (250a,252a,254a,256a, polysilicon resistors) comprised of one or more resistors, wherein the second resistor group adjusts a charge/discharge trigger voltage and a charge/discharge time associated with the capacitor of the CR circuit (the

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structure inherently functions as recited), wherein the second resistor group (polysilicon resistors) has a temperature coefficient that is larger than a temperature coefficient associated with the first resistor group (P+diffusion resistors)(see Fig.6A and 6B for the temperature coefficient, opposing characteristics with the temperature variation).

Regarding Claim 3, Kim discloses the temperature coefficients of the first resistor group (P+diffusion resistors) and the second resistor group (polysilicon resistors) are varied by changing an impurity density of the elements (Para[0069]).

Regarding Claim 5, Kim discloses the oscillator circuit is integrated in one chip (Para[0012]).

Claims 1-5 and 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP A-58-17723.

The JP A-58-17723 clearly shows every limitation recited in the claims and the top figure of the reference is the same as Figure 1 of this application. The R of the top figure of the reference corresponds to 5 of Figure 1 and the Rx of the top figure of the reference corresponds to 6 of Figure 1 of this application. The functional limitations recited in the claims inherently present in the structure of the prior art because the structure is the same as the one in the application.

Response to Arguments

Applicant's arguments filed 8/30/05 have been fully considered but they are not persuasive.

Regarding applicant comments directed to the rejection of claims 1-5 under 35 U.S.C. 102(b) as being anticipated by Kim, Applicant argues "Kim fails to disclose a second resistor group that adjusts a charge/discharge trigger voltage and a charge/discharge time associated with the capacitor of the CR circuit". This argument is not persuasive because this is not a proper traversal of the inherency of the second resistor group. The shifting of the burden of proof to the applicant still remains to the applicant. See MPEP 2112-2112.02.

Regarding applicant comments directed to the Election of Species Requirement filed 4/21/05, Applicant argues "claims 6-10 clearly read on the species shown in Figure 1". This argument is not persuasive because Figure 1 do not show "a plurality of inverters comprising more than three inverters connected in series" as recited in claim 6. Figure 1 shows three inverters connected in series.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Chang whose telephone number is 571 272-1759. The examiner can normally be reached on Mon-Fri 0700-1730.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (571) 272-1769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joseph Chang
Patent Examiner
Art Unit 2817